IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11468 of 2000

Between:

Y.Venkataiah, son of Y.Babaiah,

ADC, Falaknuma Depot, aged about 56 yrs,

R/o Hyderabad.

..... PETITIONER

AND

1.The APSRTC, rep. by its Managing

Director, Musheerabad, Hyderabad.

2.The Regional Manager, APSRTC, Hyderabad

City Region, Jubilee bus station, Picket,

Secunderabad.

3.The Depot Manager, APSRTC, Falaknuma

Depot, Hyderabad.

4.Sri Chand Pasha, ADC,APSRTC,Falaknuma

Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus rejecting the claim of the petitioner in proceedings No.D12/255(24)/98-HCRk, dated 21-12-1998 denying the benefit of higher pay which was given to the 4th respondent and not giving the same is illegal, arbitrary and unfair and liable to be set aside, consequently petitioner seeking direction to the 1st, 2nd and 3rd respondent to pay the benefit of higher pay on par with the 4klth respondent who was performing similar duties as per the Fundamental Rules of Fixation of Pay and pay the pay fixation arrears by following the principles from the date of promotion i.e.,31-10-1994.

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondent Nos.1 to 3: MR.R.MANMADHA REDDY (SC FOR APSRTC)

Counsel for the Respondent No.4: None appeared

The Court made the following :

ORDER

Heard Mr.S.A.K.Mynuddin, learned counsel appearing on behalf of the petitioner and also Mr.R.Manmadha Reddy, learned Standing counsel appearing on behalf of the respondents 1 to 3.

The petitioner herein who has been working as Assistant Depot Clerk (A.D.C.) with the respondent corporation filed this Writ Petition *inter alia* seeking a writ of Mandamus challenging the proceedings, dated 21-12-1998, passed by the 2nd respondent rejecting the petitioner's claim in regard to higher pay on par with the 4th respondent.

The case of the petitioner in brief is that the 4th respondent in all respects stands in the same footing of the petitioner and has been

given higher pay, whereas the petitioner is sought to be denied the same. Initially the petitioner was appointed on 12-11-1975 as driver and later on he was promoted as Grade I driver in 1984, whereas the 4th respondent was promoted as Grade I driver in the year 1987. Thereafter the petitioner was appointed as Assistant Depot Clerk on 31-10-1994, whereas the 4th respondent was promoted as Assistant Depot Clerk in the year 1993. Though both of them are working in the same capacity, however there is a distinction in regard to payment made and the 4th respondent is receiving higher pay and for no reasons, the petitioner is paid less amount. In this connection, the petitioner has submitted representation on 15-04-1998 which was rejected under the impugned order on the ground that the 4th respondent stood on higher footing in regard to payment of salary. Hence the Writ Petition.

Having considered the submissions made and on perusal of the record, the only question which falls for consideration on the facts and circumstances is as to whether the petitioner is entitled to pay scales on par with the 4th respondent?

There is no dispute to the aforesaid basic aspects of employment both by the petitioner and the 4th respondent as stated above. The grievance of the petitioner is that he was not paid on par with the 4th respondent. In the impugned order, it is stated that the petitioner was being paid less by way of incremental stage when compared to the 4th respondent and therefore, he cannot be put on the same footing. Neither in the representation filed by the petitioner nor in the affidavit filed in support of the Writ Petition, no explanation is forthcoming nor any reason is given in regard to the reason shown in the impugned order with regard to less payment by way of incremental stage except stating that since both of them are working in the same capacity, the petitioner is also entitled to same pay as that of the 4th respondent. The petitioner has not made out a case as put forth by the respondents 1 to 3. In the absence of proper

explanation or reason forthcoming to show that both of them are put in the same pedestal, I do not find any merit in the Writ Petition.

In view of the above circumstances, the Writ Petition is accordingly dismissed. No costs.

17-03-2005.

Hsd

Asst. Registrar

To

1.The Managing Director, APSRTC

Musheerabad, Hyderabad.

2.The Regional Manager, APSRTC, Hyderabad

City Region, Jubilee bus station, Picket,

Secunderabad.

3.The Depot Manager, APSRTC, Falaknuma

Depot, Hyderabad.

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